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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/313,079	05/17/1999	TOMOAKI KOJIMA	Q54398	3430

7590 06/29/2004

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EXAMINER	
TRAN, PHUC H	

ART UNIT	PAPER NUMBER
2666	19

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Supplemental	Application No. 09/313,079	Applicant(s) KOJIMA, TOMOAKI
	Examiner PHUC H TRAN	Art Unit 2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *amendment filed 4/15/2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3,4,28 and 29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3,4,28 and 29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 29 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter: "at least one of which has not previously been assigned a QOS class" (lines 10-11), which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3, 4 & 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soumiya et al. (U.S. Patent No. 5696764) in view of Ichikawa (U.S. Patent No. 6301253 B1).

- With respect to claims 3, 4 & 29, teaches ATM switch comprising:

a buffer device which comprises a buffer section having a plurality of buffers and a cell reading section for reading data from the buffer section (e.g. shared buffer 62, blocks 71b, and 71c in Fig. 8);

a data input/output device, which comprises a data, input section for inputting data from an external source, a data output the data, and a first data transceiver section for performing reception and transmission with respect to the data (e.g. the mux 61 and demux 64 combined, in Fig. 7);

a data processing device which comprises a second data transceiver for performing reception and transmission of data in connection with the first data transceiver section (e.g. the QoS control portion 70), a data analysis section for analyzing the data received from the second data transceiver and a data reading/setting section (illustrated in Fig. 8);

and wherein the data input/output device is capable of inputting and outputting data regarding a service class of a buffer as a service category and a QoS class (e.g. col. 18, lines 35-41, lines 54-67).

Soumiya fails to teach the data processing device is capable of adding and storing new data regarding at least one of a new service category and a new QoS class. Ichikawa teaches the buffer regarding to the QoS (col. 8, lines 25-38) for providing new category and QoS class in communication system. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the method of changing a state of buffer to meet the QoS and control the traffic in the communication for reducing congestion at the buffer and switching system.

5. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soumiya et al. (U.S. Patent No. 5696764) and Ichikawa (U.S. Patent No. 6301253 B1) in further view of Tsai (U.S. Patent No. 5781430).

- With respect to claim 28 teaches ATM switch comprising:

a buffer device which comprises a buffer section having a plurality of buffers and a cell reading section for reading data from the buffer section (e.g. shared buffer 62, blocks 71b, and 71c in Fig. 8);

a data input/output device, which comprises a data, input section for inputting data from an external source, a data output the data, and a first data transceiver section for performing reception and transmission with respect to the data (e.g. the mux 61 and demux 64 combined, in Fig. 7);

a data processing device which comprises a second data transceiver for performing reception and transmission of data in connection with the first data transceiver section (e.g. the QoS control portion 70), a data analysis section for analyzing the data received from the second data transceiver and a data reading/setting section (illustrated in Fig. 8);

and wherein the data input/output device is capable of inputting and outputting data regarding a service class of a buffer as a service category and a QoS class (e.g. col. 18, lines 35-41, lines 54-67).

Soumiya fails to teach the data processing device is capable of adding and storing new data regarding at least one of a new service category and a new QoS class. Ichikawa teaches the buffer regarding to the QoS (col. 8, lines 25-38) for providing new category and QoS class in communication system. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the method of changing a state of buffer to meet the QoS and control the traffic in the communication for reducing congestion at the buffer and switching system.

Soumiya and Ichikawa also fails to teach a GUI that displays at least one or the new service category and new QOS class. Tsai teaches a GUI for displaying information (Fig. 17). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the GUI of Tsai into Soumiya's system for control and monitor the buffers.

Response to Arguments

6. Following claim 28 was indicated allowable by examiner in previous office action; however, these claims are unpatentable in view of new arts. Therefore, these indicated claims are withdrawn.

7. Applicant's arguments filed 4/15/04 have been fully considered but they are not persuasive.

Applicant's arguments that "an existing QoS class, not a new QoS class" (page 11). Examiner respectfully disagrees. The new category and new QoS class are existed and reused as specification (page 19, lines 22-23) teaching.

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

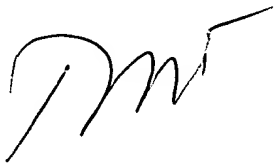
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (703) 308-7471. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (703) 308-5463. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9314.

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
06/25/2004



DUNG TON
PRIMARY EXAMINER